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ABSTRACT

Support for the traditional principle of separation of church and state has eroded in recent years. Although a majority of citizens say they support church-state separation, opinion polls find they have difficulty with the issue. The report presents a summary of such church-state conflicts in 38 states. The conflicts are categorized as follows: (1) public funding of religious organizations; (2) religion in the public schools; (3) state endorsement of religion; and (4) threats to the free exercise of religion. The report, in a state-by-state breakdown for the period from September 1988 through August 1989, found the following number of incidents in the categories mentioned: (1) public funding of religious organizations: 40 incidents in 21 states; (2) religion in public schools: 30 incidents in 21 states; (3) state endorsement of religion: 25 incidents in 17 states; and (4) threats to free exercise of religion: 23 incidents in 19 states. (NL)

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Church-State Separation in Crisis:

A Report from the States

September 25, 1989

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Introduction

Support for the traditional American principle of separation of church and state has eroded in recent years. Opinion polls consistently show large numbers of respondents backing ideas such as state involvement in school prayer, the display of religious symbols at government buildings and use of public funds to subsidize church-related schools or agencies.

While a majority of Americans profess to support a "high wall of separation" between church and state in theory, polls indicate they have difficulty accepting such a wall in practice. The Williamsburg Charter Foundation found last year, for instance, that 52 percent of those polled said the state should offer financial support to all religions on an equal basis. The same poll found majority approval for having the FBI keep a close watch on "cults."

Alarmed by the uncertain public support for church-state separation and religious liberty, Americans United for Separation of Church and State decided to undertake an informal state-by-state survey in an effort to determine the extent of church-state problems in the states.

Americans United believes state activity is especially important now, as the country heads toward a critical juncture in church-state relations. The federal courts (including the Supreme Court) have become more and more anti-separationist, and judges have indicated a willingness to allow state and federal governments to become involved in religious issues. Many observers believe the battleground for church-state issues will shift increasingly to the states.

Abortion is an example. The Supreme Court's recent Webster decision has invited the states to become involved in regulation and restriction of abortion rights. This state debate over abortion will have a natural spillover to issues such as school prayer and parochiaid. (Many of the same political activists who favor a ban on abortion also favor government promotion of prayer and other religious activities in public schools and government aid to private religious schools.) With this thought in mind, Americans United believes the time to assess the condition of church-state separation in the states is now.

This report is not meant to be a comprehensive listing of every church-state problem in the United States. Rather, it is intended to be a "snapshot" of conflicts throughout the country. Americans United's purpose in releasing the report is to offer an indication of the geographic scope and variety of church-state problems that occur in the United States.

The report, which covers the period from September 1988 through August 1989, is drawn from information from AU members across the country and the action files of Americans United. Because the report focuses on the states, church-state problems at the federal level are not included.

Findings

Americans United's survey found significant church-state conflicts in 38 states. Most states show more than one incident, and several states reported multiple problems. California topped the list with eight incidents. It was closely followed by Florida, with seven incidents, and Louisiana, with six.

The report categorizes the church-state conflicts into four different areas:

* Public Funding of Religious Organizations: The United States has long followed a policy of refusing to subsidize religious groups or their schools with public money. Today this principle is being challenged by some religious bodies and critics of the nation's public educational system. The category includes funding for religious schools through vouchers, tuition tax credits, bus transportation, textbook loans, etc. It also includes other types of government handouts, such as land gifts and property renovations.

* Religion in the Public Schools: The religious neutrality of America's public schools is under almost constant attack, primarily from religious conservatives. This category includes disputes over state-sponsored school prayer, prayers before commencement and football games, Bible distribution, religious proselytism, "creation science" and celebration of religious holidays.

* State Endorsement of Religion: There are numerous ways for government to unconstitutionally promote religion. This category focuses on some of them, including efforts to declare the United States a "Christian nation," state endorsement of religious holidays and the display of religious symbols on public property.

* Threats to the Free Exercise of Religion: Since the right to practice religion is one of the most cherished rights of the American people, there are few outright attempts to ban or restrict religious practices. Instead, free exercise threats tend to be subtler. They include attempts to license, regulate or tax church ministries and state meddling in a religion's private affairs. This category also includes efforts in states to call a federal Constitutional Convention, an event that could result in an alteration of the Bill of Rights and ultimately restrict religious freedom.

The state-by-state breakdown found the following results in each category:

Public Funding of Religious Organizations: 40 incidents in 21 states;

Religion in the Public Schools: 30 incidents in 21 states;

State Endorsement of Religion: 25 incidents in 17 states;

Threats to Free Exercise: 23 incidents in 19 states.

State-by-State Summary

Alabama

* City officials in Homewood used municipal funds and crews to improve church grounds.

* After Birmingham residents complained about court rulings striking down pre-game prayers at public high school football games, Mayor Emory Folmar went to a game to lead the invocation and a local radio station announced it would broadcast "non-denominational prayers" before games.

Arizona

* The state Republican Party convention passed a resolution calling the United States a "Christian nation" based on the "absolute laws of the Bible."

* A Jewish group protested Christian religious proselytism at Phoenix public high schools.

* There was a dispute over a cross on top of an interfaith chapel at Arizona State University at Tempe.

* John and Catherine King of Paradise Valley were charged with felony child abuse when their daughter died after unsuccessful spiritual healing.

Arkansas

* The American Civil Liberties Union filed a lawsuit challenging sectarian Bible classes at a public elementary school in Gravette.

California

* A state lawmaker introduced a constitutional amendment that would allow public money to subsidize the cost of private, religiously affiliated schools.

* A drive was mounted to pass a tuition tax credit plan in the state legislature to indirectly subsidize religious education.

* Public school officials remained locked in an ongoing battle over creationism-evolution in public school science textbooks.

* Oakland activists began a school prayer petition drive to amend the state constitution.

* A lawsuit was filed against the city of San Diego for allowing a religious display at Christmas in a public park.

* Proponents of a Constitutional Convention lobbied the state legislature.

* Americans United activists in San Francisco protested the lighting of a large cross on city-owned land at Christmas and Easter.

* Three Christian Science couples were charged with manslaughter or second-degree murder after their children died following unsuccessful spiritual healing attempts.

Colorado

* Concerned Women for America, a Religious Right group, filed a lawsuit on behalf of a Lakewood public elementary school teacher who was reprimanded for reading a Bible at his desk, displaying religiously oriented posters and keeping religious books in an in-class library.

* A dispute erupted in Colorado Springs over Christmas carols in public schools.

* A coalition of religious groups is protesting the state's policy for determining religious property tax exemption.

Connecticut

* Town officials in Enfield agreed to pay half a million dollars to renovate a former Catholic school on the grounds of a religious order to rent for use as a day care center.

* A parochial school busing dispute occurred in Bridgeport.

* New Haven municipal officials used public money to renovate churches.

* Municipal officials in New Britain tried to find a way to give a $7,000 grant to a Salvation Army shelter that refused to take down a picture of Jesus.

Florida

* Disputes over public prayers before high school football games broke out in Okaloosa County (Crestview), St. Lucie County, Martin County and Suwannee County.

* There was a dispute over religious activity at Christmas in the Boca Raton public schools.

* A Lutheran minister in Jacksonville filed suit against the City Council for its proclamation of a day of prayer against drug abuse.

* A federal judge ordered the city of St. Cloud to remove a Latin cross displayed atop a municipal water tower but said the city could replace it with a "passive and symbolic" Greek cross.

* A Christian Science couple was convicted of third-degree murder after their child died following a failed attempt at spiritual healing.

* A federal judge overturned an Escambia County ordinance banning the controversial film "The Last Temptation of Christ."

* The state supreme court ruled that a Jehovah's Witness woman had the right to refuse a blood transfusion.

Georgia

* In suburban Atlanta's public schools, a dispute erupted over the distribution of Gideon Bibles.

* Football game prayer disputes broke out in public school districts across the state.

* Sectarian evangelism created problems in suburban Atlanta public schools.

Hawaii

* The observance of Good Friday as a state holiday is being challenged in court by a coalition of groups.

* A dispute over a large cross at Camp Smith, a marine base, resulted in replacing the religious symbol with an American flag.

Idaho

* State lawmakers had to rewrite a college work-study bill after the state attorney general said it violated church-state separation by aiding church colleges.

Illinois

* State legislators pushed a voucher plan to subsidize religiously affiliated education.

* In Rockford, a Unitarian minister protested the posting of prayers at a nature center used by public school students.

* A dispute over the display of crosses on municipal water towers broke out in Wauconda.

* The city of Mundelein was sued for displaying a Nativity scene on the Village Hall lawn.

* A public school teacher lost his court battle to force the New Lenox School District to allow him to teach creationism in class.

Indiana

* Disputes over Gideon Bible distribution in public schools occurred in Anderson and Plainfield.

Iowa

* Americans United challenged in court the state's tuition tax credit plan to subsidize religious education.

* A dispute erupted in Des Moines over public schools' right to assign homework on Wednesday, traditionally "church night."

* Disagreements over graduation prayers at public high schools broke out in Dubuque and Onawa.

* A federal court rejected a rabbi's request to display a menorah at the state capitol.

* A shelter for the homeless decided to forgo county funds rather than change its policy of requiring residents to attend religious services.

Kentucky

* The American Civil Liberties Union filed a lawsuit against the Kenton County elementary schools over release-time Bible classes.

* A lawsuit was filed over a "living Nativity scene" at the capitol building in Frankfort.

Louisiana

* A state legislator introduced a bill to outlaw blasphemy.

* The state legislature allocated $200,000 to create a "Bureau of Non-Public Education," designed to aid religiously affiliated schools.

* An Americans United case challenging a variety of state parochiaid schemes went before federal court.

* The federal Education Department gave New Orleans' public schools a grant to establish a magnet school plan that includes the area's parochial schools.

* In Jefferson Parish and other municipalities, there are ongoing battles over public funding of parochial school transportation.

* Catholic education officials resisted efforts by state educators to require parochial school students to take standardized exams.

Maryland

* There were disputes over parochial school busing in several counties.

* A church coalition formed to fight for exemption from the state's day care licensing law.

Massachusetts

* Parents successfully sued the school district after their children were forced to attend public school classes in a parochial school.

* The Boston Redevelopment Authority proposed giving a parcel of land in Roxbury to a Muslim group to erect a mosque.

* A state legislator resumed a drive to change the state constitution to allow for parochiaid.

* A public fire company in Orange replaced a rooftop cross with a star after a minister raised concerns.

* A Christian Science couple in Boston was charged with manslaughter after their son died following failed attempts at spiritual healing.

Michigan

* In Lansing, a dispute erupted over a proposed public school Christmas play.

* The Detroit city council held a public hearing on Catholic church closings.

* A coalition of private religious schools sued the state education department over reporting regulations.

Minnesota

* An ongoing battle over parochial school vouchers continued.

* Minneapolis' city council considered giving financial aid to a Catholic college to open a downtown campus.

* Amish residents successfully sued the state to get an exemption from displaying orange safety symbols on their horse-drawn buggies.

Mississippi

* A Pascagoula woman successfully sued the Salvation Army after she was fired from her publicly funded counseling job for practicing witchcraft.

Missouri

* A group of minority students in Kansas City public schools sued the state, asking for vouchers to pay for tuition at religiously affiliated schools.

* A dispute erupted over religious schools participating in a "school nurse fund" designed for public schools.

* The St. Louis zoo was flooded with complaints from creationists over an exhibit that explains the tenets of evolution.

* The state supreme court ruled that a church in Richmond Heights had a right to operate a day care center, despite local zoning regulations.

Montana

* Proponents of a Constitutional Convention mounted a state drive to lobby the legislature.

Nebraska

* A tuition tax credit bill was introduced by state legislators.

* In Bellevue, a school board member promoted sectarian religious training in the public schools.

* The state agreed to pay for parochial school mobile classrooms for disadvantaged students.

* Nebraska's supreme court okayed public textbook aid for parochial schools.

* Public school officials in Omaha agreed to allow a 10-year-old boy to read a Bible at school after threats of a lawsuit.

New Jersey

* Several communities underwent parochial school busing disputes.

* In Lacey Township, a dispute occurred over government discrimination against a traditionalist Catholic group that wanted to use a municipal building for worship.

* The mayor of Woodbridge used public funds to aid religious groups and agreed to stop only when threatened with a lawsuit.

* Proponents of a Constitutional Convention lobbied the state legislature.

New Mexico

* A pre-game football prayer dispute erupted in Los Alamos public schools.

* The U.S. postmaster ordered an Albuquerque post office to stop promoting a postal outlet that also sold Christian articles.

New York

* Cardinal John O'Connor and the state's parochial school lobby called for public aid to help Catholic schools remove asbestos.

* Americans United challenged the state legislature's system of "member item" parochiaid grants in court.

* The school boards association sued the state over a requirement that local public school AIDS advisory councils include a member of the clergy.

* The New York legislature and Gov. Mario Cuomo approved a special "public" school district for ultra-Orthodox Jews in the Kiryas Joel community.

* A conflict erupted in Brooklyn over the location of a public school superintendent's office in a Catholic parochial school.

North Carolina

* The ACLU sued the state over a special sales tax break for Bibles and religious literature.

Ohio

* The public school district in Kelleys Island is fighting a court decision mandating parochial school transportation by airplane.

* The University of Dayton, a Catholic school, was given power of eminent domain by the state board of regents.

* A state lawmaker attempted to attach a school prayer amendment to an omnibus education bill.

* Wright State University, a publicly funded college, instituted a scholarship program limited to students who attend black churches.

Oklahoma

* A state legislator sponsored a bill to allow public school students to "honor Jesus" at Christmas.

Oregon

* A dispute erupted in Sweet Home over the distribution of permission slips in public schools for off-site Bible classes.

Pennsylvania

* In Philadelphia there was a dispute over parochial school busing.

* The state's attorney general ruled that parochial school students could participate in public school field trips.

* A state law forbidding teachers to wear religious garb in public schools was overturned after a court challenge.

* A federal judge upheld the Waynesboro School District's guidelines for distribution of religious material by students in school.

Rhode Island

* Church-related hospitals backed a financial bailout scheme requiring massive amounts of public aid.

* The American Civil Liberties Union protested Gov. Edward D. DiPrete's inaugural mass, saying it appeared to have state sponsorship.

* A coven of witches persuaded the state tax division to overturn a previous ruling and grant them tax-exempt status as a bona fide religious organization.

Tennessee

* A dispute over public school "released time" policies occurred across the state.

* A coalition of ministers protested a plan to tax parsonages.

Texas

* An ongoing battle over creationism-evolution in public school textbooks continued.

* Fundamentalist Christians continued to press for special influence in public schools in San Antonio.

* State lawmakers advocated a parochial school voucher plan.

* Municipal officials in Van Zandt County used public funds for church renovations.

* A federal judge ruled that municipal officials in South Padre Island could not restrict beach evangelists.

Vermont

* The public school district in Brattleboro rented space for classes at a Catholic school.

* A dispute over a cross on public property occurred in Hyde Park.

Virginia

* A coalition of secular day care providers challenged a state law exempting church-run day care from state licensing.

* Officials at George Mason University refused to allow a minister of the Rev. Sun Myung Moon's Unification Church join the campus ministerial association.

Washington

* Proponents of a federal Constitutional Convention mounted a state drive in the legislature.

* A blind man who wants the state to pay for his clergy training was rejected by the state supreme court.

Wisconsin

* The state continued its battle over a parochial school voucher plan proposed by Gov. Tommy Thompson.

* In the rural community of Webster, a dispute broke out over youth ministers operating in public schools.